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March 2, 2018

Judge Sidney H. Stein
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Maccarone v Hardy, et al.
Docket # 17 CV 06061 (SHS) (GWG)
Date of Accident: 2/5/17

Honorable Judge Stein:

My office represents Defendants/Third Party Plaintiffs Sebastian Hardy and Penelope Hardy, as legal representatives of the Estates of Hugh Hardy and Tiziana Hardy (hereinafter referred to as the Defendants Hardy).

This letter is submitted in reply to Plaintiff's Letter Motion to compel the Hardy defendants to provide further discovery responses and request for a motion conference.

A discovery conference would be beneficial. To date, the plaintiff has failed to provide a computation of damages, as directed by the Court, and has not appeared for deposition. We have only received copies of paid invoices in the approximate amount of \$15,000 as well as unspecified credit card records and checking account statements without any explanations highlighting related charges. Furthermore, plaintiff's counsel is attempting to force depositions of the defendants to precede provision of his computation of damages and the plaintiff's deposition. There has been no agreement to the aforesaid. As set forth in the Scheduling Order, depositions are to proceed in caption order.

I am the handling attorney for Defendants Hardy and was out of the office on Disability until February 5, 2018. In my absence, contrary to the plaintiff's contentions, my office responded to the plaintiff's requests for production of documents. Annexed as Exhibit "A" is a copy of said response. There has been no obstruction or refusal to participate in discovery. While our responses set forth objections to some requests, documentary discovery was provided subject

to those objections. Plaintiff has unclean hands as he has not provided substantive documentation which is necessary in order to conduct a full and complete deposition of him.

We object to the plaintiff's erroneous assertions that we have obstructed or refused to participate in discovery. It is clear that we have reached an impasse and informally conferring on this dispute would not resolve same. The plaintiff's alleged dissatisfaction with our responses is not grounds for the relief he seeks.

We object to the plaintiff's request to for an Order compelling production regarding Requests Nos. 1-5 and 11-14 as we have already responded to those demands. Furthermore, the plaintiff's request for costs should also be denied as Defendants Hardy have not obstructed or refused to participate in discovery. It is respectfully requested that a further Discovery Conference be held in this matter to resolve these issues.

Very truly yours,

S
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VAB/vb

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Please be advised this office is now a paperless environment. As such, we will communicate via e-mail and/or e-fax. Please contact this office immediately to provide your preferred E-mail address for all future communications. Please forward all future correspondence, including discovery requests, discovery responses, motions, etc. to harriskingmail@libertymutual.com or via e-fax: (603) 430-1946.
****We will still require Original Authorizations via regular mail.****